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ABSTRACT

These guidelines for California's community colleges specify required elements of a staff diversity/affirmative action plan, recommend sound practices and activities that will maximize the likelihood of success, and provide information on, and required elements of, related issues such as sexual harassment, handicap discrimination, and AIDS in the workplace. The guidelines are divided into four sections. The first of these sections identifies required and recommended roles and responsibilities of the state chancellor's office, local governing boards, college chief executive officers, staff diversity/affirmative action officers and advisory committees, and faculty and staff. The second section presents required and recommended elements for formal institutional policy statements on staff diversity and affirmative action, and provides a sample statement. The third section outlines the operational components of a staff diversity plan, including a workforce analysis, faculty/staff in-service training, employment procedures, complaint procedures, corrective action, plan revision and dissemination, and concerns about the campus environment. A chart is provided which lists, for each of the components, its purpose, steps to achieve that purpose, legal authorization, evaluation standards, responsibility, and resources for assistance. Finally, a checklist of elements required for the statewide staff diversity/affirmative action audit is presented. (JMC)

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ED307015

TOWARD A NEW DIVERSITY

Guidelines For A Staff Diversity/ Affirmative Action Plan

June 1989

Chancellor's Office
California Community Colleges
Sacramento, California

JC 890 267

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These Guidelines are the result of the combined efforts and talents of many individuals and groups. Primary gratitude of the Chancellor's Office goes to the writing team which developed the initial draft. The team consisted of Jerry Gomez (Peralta CCD), Peter Kolster (Sierra Joint CCD), Caroline Sprague (Citrus CCD), and Sue Toman (Rio Hondo CCD). With the agreement of their respective CEOs, these individuals contributed a week's effort toward the development of that draft. The work of the team was ably coordinated and further refined by Mary Jacobs of our staff who subsequently helped shepherd the draft through its several revisions, including the results of reviews by members of the Chancellor's consultation groups, the Chancellor's Advisory Committee on Affirmative Action and Staff Diversity, the Community College Affirmative Action Consortium, individual affirmative action officers, and others. All these groups and individuals made contributions which helped to focus and clarify these Guidelines. I would like to express my personal gratitude to each group and individual, including the Legal Office and other members of the Chancellor's staff too numerous to mention.

Gus Guichard
Vice Chancellor, Planning and Special Projects

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INTRODUCTION

PHILOSOPHICAL CONTEXT

> The economic and social future of California will be determined by the manner in which its educational institutions are able to prepare a large and increasingly diverse population to participate successfully in that future. The community colleges have long played a crucial role in preparing and training Californians for productive careers and active citizenship. The colleges' continuing role in educating California's diverse adult population has been strengthened through passage of major reform legislation, Assembly Bill 1725. This legislation clarifies the unique mission of the community colleges in providing transfer and vocational education, and identifies a central leadership role for the colleges in matching the diversity of their students with a comparable diversity among their faculties and staffs. (From Chancellor's Preface, *Toward a New Diversity: A Statewide Plan for Affirmative Action in the California Community Colleges*, adopted by the Board of Governors, March 1989.)

AB 1725 sets the systemwide goals that, between now and Academic Year 1992-93, 30 percent of new hires will be ethnic minorities, and by the year 2005, the faculty and staff of the California Community Colleges will reflect proportionately the State's adult population. Realization of these goals will require the creative imagination, unflagging commitment, and uncompromising effort of every member of the college community, beginning with the local governing board and running throughout the administration, faculty, and staff.

Because of the central role that faculty play in an educational institution, their attitudes and actions greatly influence the effectiveness of campus efforts to achieve diversity/affirmative action. Therefore, the importance of faculty commitment to these goals cannot be overemphasized.

Also of great importance is the Personnel Officer, whose work supports staff diversity/affirmative action in a fundamental way. The Personnel Officer must work very closely with the Staff Diversity/Affirmative Action Officer throughout the employment process.

It is in this spirit of widespread and shared responsibility that the following Guidelines for a Staff Diversity/Affirmative Action Plan are offered.

ORGANIZATION OF THE DOCUMENT

The document is organized into four sections:

A. **Responsibilities**. Here, key mandated roles and responsibilities for designing and implementing a staff diversity/affirmative action plan are identified. Throughout the guidelines, these parties are referred to as primarily responsible for various steps in the plan's development and execution.

B. **Policy Statement**. In this section, the purpose of a policy statement is discussed and a sample policy statement is provided.

C. **Operational Components of a Plan**. In this section, the operational components of a staff diversity/affirmative action plan are identified. For ease of use, components are laid out in tabular form. Each component table specifies:

- Title and purpose
- Steps
- Relevant statutory or regulatory citations
- Evaluation standards
- Responsible parties
- Resources and assistance

D. **Evaluation/Audit/Funding Checklist**. The checklist parallels Sections A-C., identifying elements required in a staff diversity/affirmative action plan to meet applicable statutory and regulatory requirements.

HOW TO USE THIS DOCUMENT

This document is designed to:

1. Specify required elements of a staff diversity/affirmative action plan;
2. Recommend sound practices and activities that will maximize the likelihood of success;
3. Provide information on, and required elements of, related program areas.

A companion document, *Source Documents for Guidelines for a Staff Diversity/ Affirmative Action Plan*, supplies excerpts from source documents as well as resource materials that may be helpful in developing and implementing plan strategies. This companion document has been sent to Staff Diversity/ Affirmative Action Officers in all districts.

Required elements of a staff diversity/affirmative action plan are distinguished throughout the guidelines, and the checklist provided in Section D. summarizes the

components of a staff diversity/affirmative action plan required for compliance with applicable statutory and regulatory provisions.

While it is left to the discretion of each district to design its own policy, organizational structure, and plan to meet its obligation to act affirmatively toward the achievement of staff diversity, districts are encouraged to incorporate the recommended practices and activities into their plans.

GUIDELINES FOR A STAFF DIVERSITY/AFFIRMATIVE ACTION PLAN

A. **RESPONSIBILITIES.** As noted in the Introduction, all members of the California Community College system have roles and responsibilities in the effort to achieve staff diversity. This responsibility system may be broken into six key areas:

1. State Chancellor's Office
2. Local Governing Board
3. Chief Executive Officer
4. Staff Diversity/Affirmative Action Officer
5. Staff Diversity/Affirmative Action Advisory Committee
6. Faculty and Staff

1. **State Chancellor's Office** (*Education Code*, Sections 70901, 87104 and 87107; *California Code of Regulations* [*Administrative Code*], Title 5 Sections 53010 and 53012)

It is the responsibility of the State Chancellor's Office to:

Required

- Provide overall leadership and direction on behalf of the Board of Governors, articulating the vision that will guide systemwide planning and evaluation.
- Receive, acknowledge, and approve revisions to Staff Diversity/ Affirmative Action plans.
- Provide technical assistance on development and implementation of plans.
- Assist districts in recruiting members of underrepresented groups.
- Identify measures of staff diversity success and conduct onsite reviews to assess progress; provide assistance to assure reasonable progress.
- Establish implementation and reporting guidelines; initiate reports, providing format and reasonable time frames as required by statute and regulation.

- Establish and publish criteria for disbursement of monies from the Faculty and Staff Diversity Fund.

2. **Local Governing Board** (*Education Code*, Section 87102; *California Code of Regulations* [*Administrative Code*], Title 5, Sections 53040 and 53041)

It is the responsibility of the Local Board of Trustees to:

Required

- Articulate to district staff the diversity/affirmative action policy and commitment applicable to all employment procedures and to all positions.
- Approve the district Staff Diversity/Affirmative Action Plan as well as any revisions; and assure that these are submitted to the Chancellor's Office in a timely fashion.
- Assume overall responsibility for the success or failure of the district's effort to achieve staff diversity/affirmative action.
- Commit to and encourage participation by all staff in the affirmative action effort.
- Assure that in all employment procedures for all position classifications, there is no discrimination on the basis of race, color, religion, national origin, sex, age, handicap, status as Vietnam-era veterans and/or marital status.*
- Publish and distribute a record of affirmative action success based on the district goals and timetables.

Recommended

- Commit to and encourage a supportive environment for all staff.
- Approve expenditures from the Faculty and Staff Diversity Fund.

* For comments on affirmative action and non-discrimination with regard to sexual orientation, see Section C.7 e, p. 24.

3. **Chief Executive Officer** (*Education Code*, Section 87151; *California Code of Regulations* [*Administrative Code*], Title 5 Section 53041)

It is the responsibility of the Chief Executive Officer to:

Required

- Assume ultimate administrative responsibility for implementation of the Board's staff diversity/affirmative action policy and commitment.
- Assure the formation of a Staff Diversity/Affirmative Action Advisory Committee.

Recommended

- Communicate the Board's policy and commitment, and promote a positive environment for staff diversity, including provision of appropriate budgetary support for affirmative action efforts.
- Establish policy regarding the use of the Faculty and Staff Diversity Fund.

4. **Staff Diversity/Affirmative Action Officer** (*California Code of Regulations* [*Administrative Code*], Title 5 Sections 53027, 53042, and 53045)

Reporting to the Chief Executive Officer, or to his or her designee, it is the responsibility of the Staff Diversity/Affirmative Action Officer to:

Required

- Administer the staff diversity/affirmative action plan.
- Monitor all employment processes to ensure full opportunity for members of underrepresented and protected groups and to ensure that selection or elimination of candidates for employment is based on job-related data; work with appropriate staff, and/or consult with Chief Executive Officer or designee, to correct any identified problems.
- Receive and seek resolution of affirmative action complaints.

Recommended

- Prepare workforce analysis, utilization analysis, and goals and timetables.

- Recommend/conduct in-service programs on staff diversity/affirmative action.

- Recommend uses of monies from the Faculty and Staff Diversity Fund.

- Design and implement an audit and reporting system that:

  - measures the effectiveness of the staff diversity/affirmative action plan;
  - determines the degree to which goals and timetables have been met;
  - assures that the college/district complies with federal, State, and local requirements; and,
  - identifies procedures that adversely affect the employment opportunities of any protected group.

- Oversee dissemination of reports on staff diversity/affirmative action.

- Assist in identifying problem areas in staff diversity/affirmative action; advise and work with all levels of staff to resolve such problems.

- Keep abreast of federal, State, and local affirmative action laws, and recommend policy and procedural changes.

- Serve as chair of the Staff Diversity/Affirmative Action Advisory Committee (responsibilities listed below) providing committee members an orientation that includes:

  - principles, practices, and issues of diversity/affirmative action,
  - a summary of relevant legal findings,
  - college/district complaint procedures.

- Receive and seek resolution of discrimination complaints.

- Serve as liaison to minority organizations, community action groups, women's and disabled persons' organizations; and actively recruit applicants from these and other groups, including business, professional, and educational organizations.

- Represent the college/district in statewide organizations that emphasize affirmative action.

5. **Staff Diversity/Affirmative Action Advisory Committee** (*California Code of Regulations* [*Administrative Code*], Title 5 Section 53052)

Comprised of representative certificated and classified staff, high-level administrators, students, and citizens reflective of the community's diversity, and including protected group members where possible, as well as other groups identified by the district, it is the responsibility of the Staff Diversity/Affirmative Action Advisory Committee to:

Required

- Be familiar with pertinent State and federal regulations; review college/district compliance; understand and encourage district-wide commitment to comply; recommend changes needed to gain compliance.

- Review and advise on the district staff diversity/affirmative action plan, and monitor its progress.

Recommended

- Monitor progress in meeting hiring goals and timetables; advise on the adequacy and effectiveness of the staff diversity/affirmative action effort; and suggest changes as needed.

- Evaluate and advise on staff diversity/affirmative action information disseminated to staff to assure that such information is adequate in demonstrating and promoting the notion that diversity benefits everyone.

- Recommend and participate in in-service training on staff diversity/affirmative action.

- Assist in recruitment efforts.

- Participate in monitoring selection processes, as necessary.

- Assist in dissemination of reports.

- Review and suggest revisions in services, employment policies, and other written and unwritten rules, policies, practices, and procedures that affect persons with disabilities.

- Advise in establishing discrimination complaint procedures.

6. **All Faculty and Staff** (*Education Code* Section 87102; *California Code of Regulations* [*Administrative Code*], Title 5 Section 53025)

It is the responsibility of All Faculty and Staff to:

Required

- Foster and promote a positive environment and overall hospitable atmosphere that encourages the appreciation and use of diversity.

- In recruitment and screening of personnel, act on behalf of the district. In this capacity, faculty and staff are subject to all State and federal laws and regulations.

Recommended:

- Focus on issues of staff diversity/affirmative action and promote affirmative action goals when participating in:

  - recruitment,
  - selection processes,
  - evaluation processes, including peer evaluation, and,
  - tenure decisions.

- Actively participate in the Staff Diversity/Affirmative Action Advisory Committee.

Note: Responsibility for promotion of staff diversity/affirmative action goals and for contributing to an hospitable environment for all members of the campus community should be a factor in the evaluation of all staff's performance.

B. **POLICY STATEMENT.** (*Education Code* Section 87102; *California Code of Regulations* [*Administrative Code*], Title 5, Sections 53002, 53005)

In its formal policy statement on staff diversity/affirmative action, the local governing board expresses its values and declares its commitment to achieve staff diversity through the district's staff diversity/affirmative action plan. It is on the basis of the policy statement that the plan is developed; it flows directly from policy and reflects back on that policy.

Elements of such a policy statement include:

Required

- A resolve to act affirmatively in all employment programs in all position classifications.
- Assurance of equal opportunity for all employees and applicants for employment regardless of race, color, sex, religion, national origin, age, handicap, status as Vietnam-era veterans, or marital status.

Recommended

- Recognition and appreciation of the benefits of diversity, including provision of suitable role models for all students and enrichment of campus dialogue through the interplay of a multiplicity of cultural perspectives.
- Sensitivity to cultural differences as a requirement for all district jobs.
- Recognition of the importance of providing a work and learning environment open to the exchange of diverse points of view and free of intimidation, harassment, and unlawful discrimination.
- Commitment to provide staff development training on diversity issues.
- Commitment to involve all staff in achieving parity at all levels and to holding all staff accountable for making diversity work.

Overall responsibility for constructing, publishing, and insuring implementation of the district's policy statement on staff diversity/affirmative action rests with the local governing board.

SAMPLE POLICY STATEMENT

The Board of _____ Community College District recognizes that diversity in the academic environment fosters culture awareness, mutual understanding and respect, and harmony and creativity, while providing suitable role models for all students. The district is committed to involving all staff in the active promotion of campus diversity, including recruitment of members of underrepresented groups and provision of a work and learning environment conducive to open discussion and free of intimidation, harassment, and unlawful discrimination. The Board commits the district to vigorous affirmative action in all aspects of its employment program, including selection, assignment, promotion, and transfer, and with respect to all position classifications. The Board also assures that all employees and applicants for employment will enjoy equal opportunity regardless of race, color, religion, sex, national origin, age, handicap, status as a Vietnam-era veteran, or marital status.

C. OPERATIONAL COMPONENTS OF A STAFF DIVERSITY/AFFIRMATIVE ACTION PLAN.

The operational components of a Staff Diversity/Affirmative Action Plan refer to the day-to-day activities of turning stated policy into working reality. Guidelines on operational components are provided for in the following tables.

1. Workforce Analysis, Utilization Analysis, Goals and Timetables

2. Faculty/Staff Inservice Training on Diversity

3. Employment Procedures
   a. Job Analysis and Validation
   b. Job Description
   c. Application Instruments
   d. Job Announcements
   e. Recruitment
   f. Applicant Pool and Applicant Flow
   g. Screening and Selection
   h. Evaluation of Screening and Selection Process
   i. Documentation/Recordkeeping
   j. Annual District Report
   k. Agents

4. Complaint Procedures

5. Corrective Action

6. Plan Revision and Dissemination

7. Program Areas Related to Provision of a Hospitable Campus Environment for All Groups
   a. Sexual Harassment
   b. Accommodation for Persons with Disabilities and Non-discrimination
   c. Title IX Provisions
   d. Unlawful Discrimination
   e. Sexual Orientation
   f. AIDS in the Workplace

C. Operational Components of a Staff Diversity/Affirmative Action Plan

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
1. Workforce Analysis, Utilization Analysis, Goals and Timetables; Full-time/Part-time Instructor Ratio					
To determine statistically protected group composition of existing staff To determine whether members of protected groups are underrepresented or underutilized based on their general availability To establish goals and timetables to correct deficiencies found through work force and utilization analyses. Note: Protected groups for which goals and timetables currently are required include only ethnic/racial minorities and women. It is anticipated that future Title 5 revisions will include the disabled as well To assure that at least 75 percent of credit instruction hours are taught by full-time instructor.	Required: Follow established guidelines Note: With the passage of AB 1725, the formats for these analyses and projections will be revised for the future. Until this occurs, districts are advised to use existing formats Revise goals and timetables every three years Move toward achievement and maintenance of 75 percent goal	Title 5, Section 53046 Title 5, Section 53049 Title 5, Section 53051 Title 5, Section 53003 *Ed Code*, Sections 87102(a), 87482.6	Update Annually (Staff Data File) Note: Ultimately, data on all protected groups will be included in the statewide Management Information System	Staff Diversity/ Affirmative Action Officer; Personnel Officer	Chancellor's Office **Guidelines on Work Force Analysis, Utilization Analysis, Goals and Timetables, Model Affirmative Action Plan*, California Community Colleges, October, 1983; Instructions for Preparation of Employment Goals and Timetables, California Community Colleges, re-issued March 1987
2. Faculty/Staff In-service Training on Diversity To develop faculty and staff who are sensitive and sympathetic to, appreciative of, and actively involved in promoting cultural diversity To promote entry and advancement of underrepresented faculty and staff To achieve harmonious faculty and staff diversity. Long range, to reduce ethnic minority student dropout rate and to increase ethnic minority student enrollment and persistence to graduation	Required: Establish Campus Staff Development Advisory Committee Recommended: Assign Staff Diversity/Affirmative Action Officer to the Staff Development Advisory Committee Provide on-going, in-service training on staff diversity opportunities and issues for all levels of district staff - at least semi-annual training sessions Expend faculty and staff diversity funds in support of affirmative action employees' upward mobility Establish links with four-year institutions to provide faculty internship/mentorship programs	*Ed Code*, Section 87151	Staff Development Advisory Committee in place	Chief Executive Officer Staff Diversity/Affirmative Action Officer; Personnel Officer; Faculty & Other Staff	District faculty, Chancellor's Office, ACCCA, CACC, State Department of Fair Employment and Housing, U.S. Equal Employment Opportunity Commission, and U.S. Office of Civil Rights

* Included in "Source Documents for Guidelines for a Staff Diversity/Affirmative Action Plan," sent to each district Affirmative Action office

Operational Components of a Staff Diversity/Affirmative Action Plan (*continued*)

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
3. Employment Procedures To assure fair and equal opportunity to all job applicants	Required: Assure that all employment practices are based on job-related factors, considering seniority only where required by law. Note: The employment procedures outlined here represent sound, acceptable personnel practices that may be abrogated only in a case of demonstrated business necessity, such as overriding concern for which no acceptable alternative policy or practice would accomplish the business purpose advanced. Recommended: Assure that all employment practices reflect district's staff diversity/affirmative action commitment.	Title 5, Section 53028 Title 5, Section 53001 (c)		District Governing Board	*EEOC's ***Uniform Guidelines on Employee Selection Procedures*** and ***Questions and Answers to Provide a Common Interpretation of the Uniform Guidelines on Employee Selection Procedures*** Chancellor's Office will (1) carry out training sessions on employment procedures, and (2) establish a list of consultants available to assist districts in this matter.
a. Job Analysis and Validation To determine systematically, and validate, what knowledge, skills, abilities, and personal characteristics an employee must possess to perform the job satisfactorily.	Recommended: Identify and describe specifically and unambiguously the primary tasks performed on the job. Determine and substantiate what knowledge, skills, abilities, and personal characteristics are required for satisfactory performance of identified tasks. Procedural Options for Validation: a. Predictive Validity b. Concurrent Validity c. Content Validity (Note: Excellent reading resources are listed under Resources and Assistance.)		Bona fide minimum job requirements for all positions, including both full-time and part-time faculty positions.	Personnel Officer Incumbent in Job to Be Analyzed Supervisor of Incumbent in Job	***Job Analysis: A Handbook for the Human Resource Manager*** by Jai V. Ghorpade, Prentice Hall, 1988. ISBN 0-13-510256-1 01 ***Content Validity: A Procedural Handbook*** by Stephen J. Mussio and Mary R. Smith, Great Lakes Assessment Council and International Personnel Management Association. Published by special permission from the Minneapolis Civil Service Commission. Library of Congress Card Catalogue Number: A 73-88466 ***Public Sector Employee Selection*** by Grace H. Wright, International Personnel Management Association. ISBN 0-87373-357-6

* Included in "Source Documents for Guidelines for a Staff Diversity/Affirmative Action Plan," sent to each district Affirmative Action office.

Operational Components of a Staff Diversity/Affirmative Action Plan *(continued)*

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
b. Job Description					
To provide a general statement of job duties and responsibilities, as well as job specifications, including	Recommended:				
	Develop on basis of job analysis			Personnel Officer	
- Functions and Tasks	Eliminate sex-stereotyped job titles			Incumbent in Job to Be Described	
A sequence of activities performed by the worker					
- Knowledge				Supervisor of Incumbent in Job	
A body of knowledge applied directly to the performance of tasks					
- Skills					
A present, observable competence in a learned physical act					
- Ability					
A present competence to perform an observable behavior or a behavior that results in the product					
- Personal Characteristics	Required:				
Work behaviors and attitudes involving both observable (physical) and unobservable (mental) activities performed in the course of achieving job objectives	Include sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students	*Ed. Code*, Section 87360	Included in hiring criteria for all faculty and administrators (no later than July 1, 1990)		
c. Application Instruments					
To obtain applicant information in fair and standardized ways					
-General Application	Recommended:				
To obtain general knowledge about a candidate's qualifications for a position	Design instruments based on job-related criteria		Validated, standardized, fair, job-related instruments	Personnel Officer	**Pre-Employment Inquiry Guidelines*, Fair Employment and Housing Commission
-Specific Supplemental Application			Rating criteria on file		
To obtain specific knowledge about a candidate's expertise in the subject matter of a position					

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Operational Components of a Staff Diversity/Affirmative Action Plan (*continued*)

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
d. Job Announcement To provide prospective applicants with information that parallels the job description as well as information on the institution, salary range, application deadline, contact person, and Affirmative Action/EEO employer status.	Required: Develop on basis of job analysis. Recommended: State equivalent qualifications that may be substituted. Use academic degrees and years of experience only where required by State licensing/credentialing agencies or shown to be bona fide occupational qualifications.	Title 5, Section 53022	Bona fide occupational requirements	Personnel Officer; Staff Diversity/Affirmative Action Officer	
e. Recruitment To obtain a diverse, qualified applicant pool reflective of both California's and the local district's population. To provide incentives for applicants from protected groups.	Required: Undertake verifiable affirmative action recruitment for all positions. Use "in house" and "promotional only" recruitment only when "business necessity" dictates. Business necessity requires greater cost than mere convenience. Business necessity does not exist when an alternative practice will serve business needs equally well. Recommended: Encourage faculty and staff participation in community and protected group-specific organizations and encourage recruitment efforts with those organizations. Establish and keep current a recruitment mailing list of organizations and publications, including job listing services, directed toward underrepresented groups. Call together department members to identify individuals they know personally who are themselves, or are connected to, members of underrepresented groups. Establish linkages with four-year institutions and with secondary schools to identify potential teachers among protected groups.	Title 5, Section 53021 Title 5, Sections 53001(c), 53021	Record of recruitment effort on file	Staff Diversity/ Affirmative Action Officer; Personnel Officer All Employees	Chancellor's Office

* Included in "Source Documents for Guidelines for a Staff Diversity/Affirmative Action Plan," sent to each district Affirmative Action office.

Operational Components of a Staff Diversity/Affirmative Action Plan (*continued*)

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
e. Recruitment (continued)	Recommended (continued): Establish incentive programs, including scholarships, forgivable loan programs, mentorships, internships, and demonstration projects. Coordinate with the Chancellor's Office recruitment program. Provide incentives for staff to refer members of underrepresented groups for jobs.				Chancellor's Office
f. Applicant Pool and Applicant Flow To give job applicants an opportunity to identify themselves as members of protected groups. To assure that the applicant pool is reflective of availability. To provide data used in monitoring employment practices and evaluating affirmative action program effectiveness.	Required: Provide applicants with voluntary, confidential self-identification forms, and track flow of applicants from protected groups, including ethnic/racial minorities, women, disabled, Vietnam-era veterans. Note: Pacific Islanders and Filipinos are included with Asians for planning purposes (goals and timetables) but are tracked separately in terms of applicant flow. Peoples of the Indian sub-continent are included with Asians.	Title 5, Sections 53001(j), 53023 California Govt. Code, Sections 10092, 10092.5	On file	Staff Diversity/ Affirmative Action Officer; Personnel Officer	**List of Employee Ethnic/ Racial Data Elements*, California Community College Management Information System.

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Operational Components of a Staff Diversity/Affirmative Action Plan (*continued*)

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
g. Screening and Selection To provide fair and thorough application-screening, interview, and selection processes that conform to the principles of affirmative action and equal employment opportunity and are sensitive to issues of diversity. While separate committees may be formed for reading of application, interview, and final selection, all committees before final selection consist of administrators, faculty, and/or staff appropriate to the position being filled.	Required: If tests are used, follow EEOC's *Uniform Guidelines for Employee Selection Procedures* Identify a reasonable number of candidates to be interviewed. Develop screening and selection committees that include members of protected groups whenever possible. Conduct screening/selection process in conformance with appropriate principles and practices, including preparing job-related questions in advance. (If references are used, follow these same principles.) If length of service is used in hiring and promotion decisions, do not use as sole criterion. Support with factual data both selection and elimination of candidates. Consider seniority only where required by law. Recommended: Develop screening and selection committees that are representative of the campus, including administrators, certificated, and/or classified employees. Assign to each committee an individual trained to monitor conformance with affirmative action requirements. Train each committee in staff diversity/affirmative action goals, issues, principles and practices, and in principles of job descriptions, job requirements, screening, interviewing, rating scales, and role of staff diversity/affirmative action monitor. Prepare rating scales in advance.	Title 5, Section 53024 Title 5, Section 53026 Title 5, Section 53027 Title 5, Section 53028	Screening checklists and rating scales signed and on file. Also see Evaluation of Screening/Selection Process immediately below.	Personnel Officer Screening/Selection Committee Chair Staff Diversity/Affirmative Action Officer	

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Operational Components of a Staff Diversity/Affirmative Action Plan (*continued*)

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
h. Evaluation of Screening and Selection Process To identify and correct personnel practices that adversely impact employment opportunities of members of protected groups	Required: Monitor entire process for adverse impact effect, or intent; if adverse impact is identified, implement solution or confer with chief executive officer or designee to determine remedy. Recommended: Test for adverse impact using the 4/5th (80%) rule. Note: When the district has not maintained adverse impact data, federal enforcement agencies may infer adverse impact if the district has underutilized any group as compared to the group's representation in the labor market. In smaller districts, adverse impact calculation may be carried out annually or when a sufficient number of positions have been hired to give statistically meaningful results.	Title 5, Section 53027	Adverse impact data on file	Staff Diversity/ Affirmative Action Officer, Personnel Officer	EEOC's *Uniform Guidelines on Employee Selection Procedures*
i. Documentation/Record Keeping To assure that employment processes are documented appropriately and fully	Required: Gather all materials related to the employment process and maintain for at least three years, or for three years after audit, whichever occurs first. Keep longer if complaint is filed or expected.	Title 5, Section 59026	Files complete	Personnel Officer	
j. Annual District Evaluation Report To assess progress in reaching affirmative action goals	Required: Survey district employment patterns and evaluate in terms of established goals.	Title 5, Section 53004	Report filed annually with Chancellor's Office	Staff Diversity/ Affirmative Action Officer	

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Operational Components of a Staff Diversity/Affirmative Action Plan *(continued)*

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
k. Agents To inform all persons who participate in recruitment and screening of personnel of their responsibility to comply with State and federal laws and regulations	Required: Inform people that "Any individual or group of individuals acting on behalf of the local governing board for the recruitment and screening of personnel, including superintendents, are agents of the district and subject to all State and federal laws and regulations."	Title 5, Section 53025		Personnel Officer	
4. Complaint Procedure To provide an expeditious and effective process for resolution of complaints	Required: District designates the Staff Diversity/Affirmative Action Officer to accept complaints alleging that the district has failed to satisfy affirmative action requirements. District specifies the complaint process. Recommended: District notifies students and employees of its commitment to make programs and activities, including the hiring process, available to all qualified persons without regard to ethnic/racial group identification, religion, age, sex, color, or physical or mental disability and that no person will be denied program or activity benefits on any of those bases. Note: While districts may decide to combine affirmative action and unlawful discrimination complaint procedures, it is important to note the distinction between an affirmative action complaint and an unlawful discrimination complaint. An affirmative action complaint alleges a district's failure to take a required affirmative action, whereas an unlawful discrimination complaint alleges discriminatory activity proscribed by law.	Title 5, Section 53045	Identifiable procedure	Chief Executive Officer Staff Diversity/Affirmative Action Officer	See 7. Related Program Areas, Subsection d. Unlawful Discrimination, below.

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Operational Components of a Staff Diversity/Affirmative Action Plan *(continued)*

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
5. Corrective Action To correct policies, practices, procedures that contribute to workforce imbalance	Required: Identify and correct personnel practices that adversely impact employment opportunities of members of protected groups	Title 5, Section 53050	Staff data File updated annually Statewide work force increasingly reflects State's adult population	Personnel Officer; Staff Diversity/Affirmative Action Officer	
6. Revision and Dissemination *Revision* *- Goals and Timetables* To revise goals and timetables based on updated workforce and utilization analyses and any identified need for corrective action	Required Follow established procedures Submit to local governing board for approval Submit to Chancellor's Office Approve revision or advise of problems, provide technical assistance if needed or requested	Title 5, Section 53003	At least every three years	Staff Diversity/ Affirmative Action Officer; Personnel Officer Chief Executive Officer Local Board Chancellor's Office	Chancellor's Office
To take into account how closely the overall community college workforce reflects the adult population of the State *- Other Revisions* To keep staff diversity/affirmative action plan current	Determined by district Submit to local governing board for approval Submit to Chancellor's Office Approve revision or advise of problems, provide technical assistance if needed or requested	Title 5, Section 53003	Changes submitted to Chancellor's Office at least 30 days before implementation	Staff Diversity/ Affirmative Action Officer; Staff Diversity/ Affirmative Action Committee Chief Executive Officer Local Board Chancellor's Office	Chancellor's Office

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Operational Components of a Staff Diversity/Affirmative Action Plan (*continued*)

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
6. Revision and Dissemination *(continued)* ***Dissemination*** ***- Internal Dissimination*** To inform all district employees of the district's staff diversity/affirmative action/equal employee opportunity policy and plan, and of the importance of their participation and responsibility in ensuring implementation	Required: Determined by local district, may include: - notice in employee handbook - notice in new employee orientation - presentation in college/district meetings - staff Development Program - posters - annual management meeting on the topicide technical assistance if needed	Title 5, Section 53043	Copies of handouts/ posters/reports on file	Staff Diversity/ Affirmative Action Officer Chief Executive Officer	Posters: U.S. Equal Employment Opportunity Commission; State Department of Fair Employment and Housing
-External Dissemination To inform the public of district staff diversity/affirmative action policy and plan and to solicit assistance in recruiting members of underrepresented groups	Required Give at least annual written notice to community organizations and employment sources affirming district Staff Diversity/ Affirmative Action commitment and soliciting assistance in carrying the commitment out. Notice may be accomplished via: - separate letter - class schedule - catalogue - job announcement	Title 5, Section 53044	Copy of notice on file	Staff Diversity/ Affirmative Action Officer	
To show progress and success rates in achieving established staff diversity/affirmative action goals	(Data and information to be specified by the Board of Governors.)	*Ed. Code*, Section 87102(b)	Clear evidence of progress 1991-92	Local Board	
7. Related Program Areas ***a. Sexual Harassment*** To provide a work place free of sexual harassment and intimidation		Title 5, Section 53030			**Sexual Harassment*, State Dept. of Fair Employment and Housing

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Operational Components of a Staff Diversity/Affirmative Action Plan (*continued*)

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
b. Accomodation for Persons with Disabilities and Non-Discrimination To assure reasonable accomodation for applicants and employees with disabilities	Required: Make reasonable accomodations Take continuing steps to notify employees, students, and the public that the district does not discriminate on the basis of disability in violation of Section 504. Appoint 504 Coordinator to handle compliance and complaints	Title 5, Section 53029 Dept. of Education regulations, Sections 104.7, 104.8	504 Coordinator functioning	504 Coordinator Chief Executive Officer	*Rehabilitation Act of 1973, Sections 706, 794(504), and 794(d); Dept. of Ed. 504 Regulations, Sections 104.7, 104.8, and 104.11-104.14; ***Employment Discrimination Based on Physical Handicap***, State Dept. of Fair Employment and Housing
c. Title IX Provisions To eliminate sex discrimination	Required: Appoint staff member to coordinate Title IX efforts and to process complaints, and notify all employees and students of name, office address, and telephone number of Title IX Coordinator	Title IX, Ed. Amendments of 1972, Section 106.8	Title IX Coordinator identified and functioning	Chief Executive Officer	*Title IX, Ed. Amendments of 1972
d. Unlawful Discrimination To provide a work place free of unlawful discrimination	Required: Appoint officer to assure compliance and handle complaints, and identify this person to the public and to the State Chancellor Follow established complaint procedure	Title 5, Section 59324 Title 5, Sections 59328-59362	Complaint Officer identified and functioning Complaint procedure being followed	Chief Executive Officer	*Gov't. Code Regulations implementing AB 803; Community College Regulations for AB 803; *Gov't. Code* Regulations implementing the Fair Employment and Housing Act; *Ed. Code*, Article 3, Prohibition of Sex Discrimination, Section 230; ***Discrimination is Against the Law. Pregnancy Discrimination Fact Sheet***, State Dept. of Fair Employment and Housing; Unlawful Discrimination Complaint Process Agreed to by the California Community Colleges Chancellor's Office See also e. Sexual Orientation, below

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Operational Components of a Staff Diversity/Affirmative Action Plan (*continued*)

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
e. *Sexual Orientation* To be familiar with affirmative action and non-discrimination issues relating to sexual orientation.	The question has arisen as to the status of "sexual orientation" within the discussion of affirmative action plans and unlawful discrimination. RE: Affirmative Action Plans Inclusion of homosexuals within a district's affirmative action plan's list of protected groups could be seen as conflicting both with the ***Education Code*** and with the ***California Code of Regulations***, Title 5, which, in addressing affirmative action, clearly defines those groups to be afforded protected status and provides the funding mechanisms for affirmative action plans. Homosexuals do not appear within the current list of protected groups. If a district were to include homosexuals, and the inclusion were challenged, it is not clear what level of judicial scrutiny would be used. The level of judicial scrutiny would influence greatly the likelihood of the district's position being upheld. It is recommended that, for the present, districts not include homosexuals among protected groups. RE: Unlawful Discrimination The legitimacy of inclusion of "sexual orientation" within the list of bases on which it is unlawful to discriminate is unclear. The Unruh Act has been interpreted by the California Supreme Court to bar discrimination by businesses against homosexuals. At the same time, the Court has held in Curran vs. Mt. Diablo Council of the Boy Scouts of America that the Fair Employment and Housing Act does not prohibit discrimination on the basis of homosexuality in employment practice. The Attorney General has issued two opinions in which he concluded that it is unlawful to discriminate in employment on the basis of sexual orientation.				

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Operational Components of a Staff Diversity/Affirmative Action Plan (*continued*)

Operational Component Title and Purpose	Steps	Citation(s)	Evaluation Standard(s) (Required for Audit)	Party (ies) Primarily Responsible	Resources and Assistance
f. AIDS in the Work Place To be sensitive to the rights of persons with AIDS or ARC or who have tested positively on the HIV-antibody					*Legal Analysis of State and Federal Laws Imposing Obligations Relating to Non-Discrimination, Right to Services, and Confidentiality for Employees with AIDS or ARC or Who Have Tested Positively on the HIV-Antibody, Appendix A, *AIDS Policies and Resources for Community Colleges*

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D. Staff Diversity/Affirmative Action Plan Checklist of Elements Required for Audit

ELEMENT	CITATION (Title 5 Unless Otherwise Noted)	COMMENTS
Statement of Responsibilities and Duties		
▸ Local Governing Board	Section 53041	
▸ Chief Executive Officer	Section 53041	
▸ Staff Diversity/Affirmative Action Officer	Section 53042	
▸ Staff Diversity/Affirmative Action Committee	Section 53052	
Governing Board Policy Statement and Affirmative Action Commitment	Sections 53002, 53028, & 53040 *Educ. Code*, Section 87102	Cover all levels of employment and all job classifications; guarantee access regardless of race, color, religion, sex, national origin, age, handicap, status as Vietnam-era veteran, martial status; involve all staff in recruitment of members of underrepresented groups.
Workforce Analysis	Section 53046	Update annually (Staff Data File).
Utilization Analysis	Section 53049	
Goals and Timetables	Sections 53051 & 53003	Revise every three years.
Full-time/Part-time Instructor Ratio	*Educ. Code*, Sections 87102(a), 87482.6	Achieve and maintain 75 percent full-time instructor goal.
Employment Procedures		
▸ Job Analysis and Validation	Section 53022	Identify bona fide (i.e., validated or validatable) knowledge, skills, abilities, and personal characteristics minimally required for successful job performance.
▸ Job Announcement	Section 53022	
▸ Recruitment	Section 53021	Carry out active recruitment program directed toward underrepresented groups; carry out "in-house" or "promotional only" recruitment *only* in case of documented "business necessity."
▸ Applicant Pool, Applicant Flow	Section 53023 *Govt. Code*, Sections 10092 & 10092.5	Track flow of applicants from underrepresented groups, including ethnic/racial minorities, women, disabled, Vietnam-era veterans. Note: Pacific Islanders and Filipinos are tracked separately in terms of applicant flow.
▸ Screening and Selection	Sections 53024 & 53026	Prepare instruments using job-related criteria only; use only tests that conform to EEOC's, *Uniform Guidelines on Employee Selection Procedures*; select a reasonable number of applicants for interview; whenever possible include members of protected groups on selection committees. Prepare instruments in advance using job-related criteria only.
▸ Final Selection	Section 53027	Support selection and elimination of candidates with factual data.

D. **PLAN CHECKLIST** *(continued)*

ELEMENT	CITATION (Title 5 Unless Otherwise Noted)	COMMENTS
Employment Procedures *(continued)*		
▸ Evaluation of Screening and Selection	Section 53027	Monitor for adverse impact throughout entire selection process; apply necessary remedies where discriminatory effect or intent is identified.
▸ Annual District Evaluation Report	Section 53004	Survey employment patterns and evaluate progress in meeting affirmative action goals; report to Chancellor annually.
▸ Agents	Section 53025	
Complaint Procedure	Section 53045	Establish complaint procedure; assign Staff Diversity/ Affirmative Action Officer to receive and process complaints.
Corrective Action	Section 53050	Update Staff Data File each year; identify and correct policies, practices, and procedures that contribute to workforce imbalance.
Plan Revisions		
▸ Goals and Timetables	Section 53003	Revise goals and timetables every three years.
▸ Other Revisions	Section 53003	Keep plan current; submit proposed plan changes to the Chancellor's Office at least 30 days before implementation.
Plan Dissemination		
▸ Internal	Section 53043	Maintain file copies of handouts, posters, and reports.
▸ External	Section 53044	Maintain file copy(ies) of notice(s).
Related Program Areas		
▸ Accommodation for Persons with Disabilities and Non-Discrimination	Section 53029; Dept. of Ed. Regulations, Section 504	Take continuing steps to notify employees, students, and the public that district does not discriminate on the basis of disability in violation of Section 504. Appoint coordinator to monitor 504 needs and services, and to process complaints.
▸ Sexual Harassment	Section 53030	
▸ Title IX	Ed. Amendments of 1972, Title IX	Appoint employee to coordinate Title IX services and to process complaints; identify coordinator to employees, students, the public, and the Chancellor's Office.
▸ Unlawful Discrimination	Sections 59324, 59328-59362	Appoint officer to assure compliance; establish complaint procedure; identify officer to employees, students, the public, and the Chancellor's Office.

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